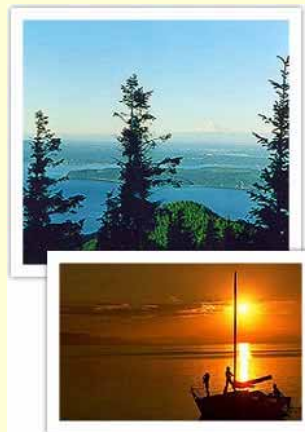
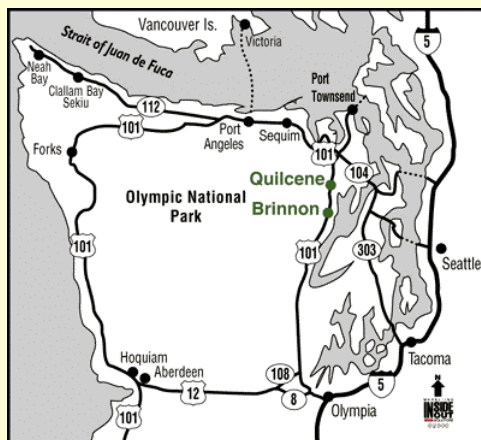


National Historic Preservation Act and Site Investigations

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Story of the Hood Canal Bridge Graving Dock





The Hood Canal Bridge Graving Dock

What happened before work was initiated at the site?



- The tribe warned the DOT about digging in an area known to be the site of a former village and a burial ground.
- DOT sent a team to investigate the 22 acre site.
- Researchers dug 17 trenches and drilled nine holes looking for signs of a tribal village. Found nothing.




What did workers find?

- The first day of construction, worker on the site discovered a shell midden.
- Remains of 12 different individuals were discovered during the initial excavation
- Unfortunately construction continued for three days... Remains were transported, along with tons of debris from the site, to a nearby landfill. Tribe understandably *UPSET*.

Costs...

- Archeological work at the site is estimated to cost \$4.5 million
- DOT will pay the Lower Elwha Klallam Tribe \$3.4 million for mitigation costs
- Construction shutdown for 7 months – at a cost of \$30,000 a day (roughly 140 working days) = \$4,200,000. Shell midden and remains found on Aug 20, 2003, Memorandum of agreement signed on March 16, 2004.
- Total cost 12.1 million (or nearly 5% of total budget for Hood Canal project of \$255 million).




The National Historic Preservation Act requires federal agencies to take into account the effect of their undertakings on properties included in, or eligible for, inclusion on the National Register of Historic Places.

[Sec. 106 of the NHPA, 16 U.S.C. 470f]



Goal of NHPA Process

- To accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stage of project planning.
- 



What will NHPA Consultation achieve?

- The goal of consultation is to identify historic properties potentially affected by the undertakings, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties.




NHPA and Site Investigations

- The 1992 amendments to the NHPA clarified that the term “historic properties” include properties of traditional religious and cultural importance to an Indian tribe and meet the National Register criteria.




Five ideas to take with you...


1. Federal Undertaking?
2. Listed or eligible for the National Register of Historic Properties?
3. Adversely affected?
4. Consult with SHPO and THPO
5. Measures to mitigate any adverse effects



Under the NHPA, EPA is responsible for determining whether an action is an “undertaking” and whether the action has the potential to cause effects on historic properties.




If preliminary indications are that the work that will be done on your site is an “undertaking,” then EPA should determine whether historic properties are present, including sites that have traditional religious and cultural importance to an Indian tribe.



What IS an “undertaking?”

- “Undertaking” is defined as: a project, activity or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; those requiring a Federal permit, license or approval; and those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency. [36 CFR 800.16(y)]



So, pretty much everything we
do is an “undertaking!”



What IS NOT considered an
“undertaking?”

- Generally, “federal undertakings” do not include sites cleaned up totally under state authority, where EPA neither concurs on the remedy nor provides federal funding.

What is an “Historic Property?”

- Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior.

[36 CFR 800.16(l)(1)]

Examples of Historic Properties



Glacier Bay National Park



Examples of Historic Properties



● *Chaco Culture
National
Historic Park
(Chaco
Canyon)*

Examples of Historic Properties

● *Little Big Horn
Battlefield National
Monument*



Examples of Historic Properties

*Empire State building
constructed in only two
years - 1930 to 31*



Examples of Historic Properties

🌐 1966 to 1977.



Examples of Historic Properties



• *The Seattle Space Needle (built for the 1962 World's Fair...*

• *... and backdrop for one of my favorite Elvis Presley movies.)*



“It Happened At The World's Fair,” 1962



Examples of Historic Properties



• Nike Missile Site



Examples of Historic Properties

Missile Assembly Building 1966



Missile Assembly Building 2003

- Photographs of Nike Launch Site LA-43L
Whites Point, San Pedro, California

Most importantly for the Tribes
are those sacred places...



● *Bear River
Massacre site,
Preston, Idaho*

How do I figure out if my site
is an “Historic Property?”

- Check list of National Historic Properties;
- List is NOT comprehensive – your site will most likely NOT be on list;
- Contact SHPO;
- Contact THPO – it is very likely the tribe has NOT made known the sites they consider most precious to them;
- Ultimately up to SAM to determine if Cultural Resource Survey will be employed.

The National Register of Historic Places

The National Register of Historic Places is the Nation's official list of cultural resources worthy of preservation. Authorized under the National Historic Preservation Act of 1966, the National Register is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect our historic and archeological resources. Properties listed in the Register include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archeology, engineering, and culture. The National Register is administered by the National Park Service, which is part of the U.S. Department of the Interior. **For more information on how to nominate a property to the National Register, visit our [Listing a property](#) page.**

- Included among the more than 77,000 listings that make up the National Register are:
- All historic areas in the [National Park System](#);
- Over 2,300 [National Historic Landmarks](#), which have been designated by the Secretary of the Interior because of their importance to all Americans;
- Properties across the country that have been nominated by governments, organizations, and individuals because they are significant to the nation, to a state, or to a community.

<http://www.cr.nps.gov/nr/about.htm>

To determine whether or not the property involved meets the definition of “historic property,” the Federal agency must make **reasonable and good faith efforts** to identify historic properties in consultation with the Tribal Historic Preservation Officer (THPO) and State Historic Preservation Officer (SHPO).

An adverse effect “is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling or association.”

[See 36 CFR 800.5(a)(1).]

Actions that could have an adverse effect

- Test pits in native soil
- Deep drill rig core samples
- Hand auger for subsurface soil
- Geoprobe
- Monitoring wells
- Piezometers
- Gore-sorbers
- Van Veen
- Core samples for sediments

Actions that generally would **not have an adverse effect**

- Surface soil grab samples
- Hand shovel for subsurface soil
- Wipe samples
- Air sampling
- Surface sediment sampling

Actions that could have an adverse effect



Geoprobe

Actions that could have an adverse effect

Portable Mud Rotary Drill Rig






Actions that
could have
an adverse
effect


Hand auger

If the activity is an undertaking
with the potential to cause
effects to historic properties of
a tribe, EPA is to consult with
the affected tribe.



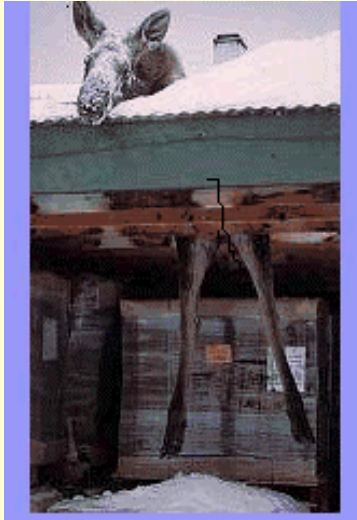
What can I do to mitigate adverse effects?

- Make a good faith effort to determine if your site is an Historic Property (check in with THPO and SHPO);
- Document those efforts;
- Develop a plan early – and share it with your contractors, SHPO and THPO – on what to do IF you encounter something that may be historic:
 - Know who to talk to and when; and
 - Be clear about what steps your contractor must take if an historic property is encountered out in the field.



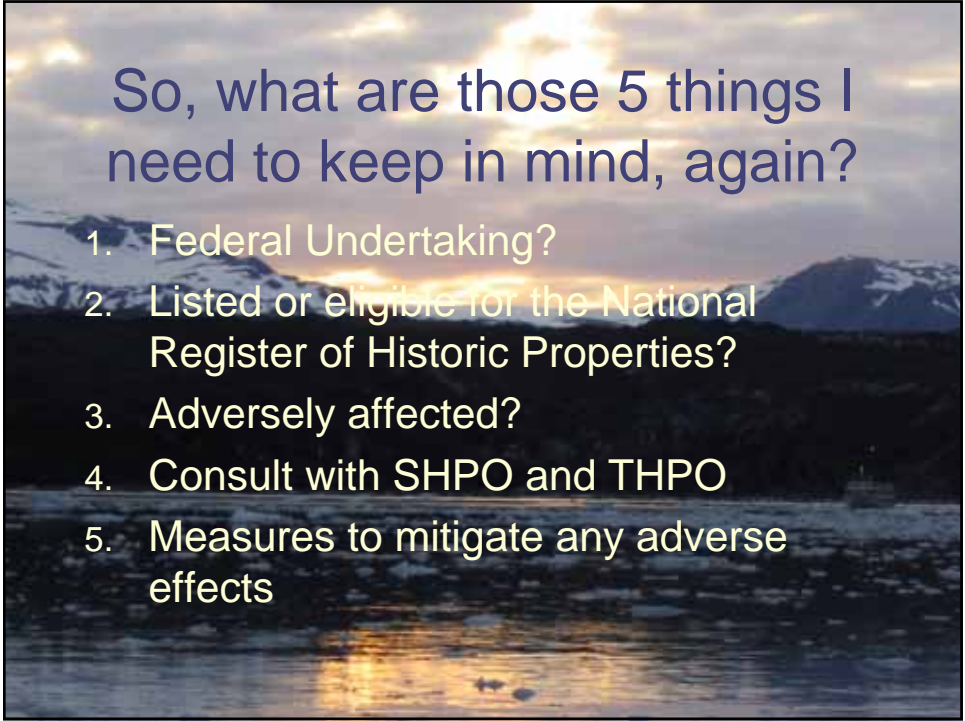
The level of effort taken by the Federal agency should, among others, take into account the nature and magnitude of the undertaking and the degree of Federal involvement, and the nature and extent of potential effects on historic properties.

[See 36 CFR 800.4(b)(1).]



Challenges

- Identification of historic properties that may be affected by an undertaking
- Involvement of Tribes in evaluating sites for cultural or traditional resources
- Meeting NHPA when the State is the lead for the Superfund undertaking
- Balancing pressures to conduct cultural resource surveys and EPA Site Investigation budget
- Documenting good faith efforts to comply with NHPA requirements



So, what are those 5 things I need to keep in mind, again?

1. Federal Undertaking?
2. Listed or eligible for the National Register of Historic Properties?
3. Adversely affected?
4. Consult with SHPO and THPO
5. Measures to mitigate any adverse effects



THE END